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Customer No.: 26308

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Vandlik et al

Attorney Docket No.: F-5489 CIP2 Con

Serial No.: 10/765,498

Examiner: P. Bianco

Filed: January 26, 2004

Group Art Unit: 3762

Title: Blood Processing Systems and Methods that Employ an In-Line Flexible Leukofilter

Addendum to

Request for Reconsideration of Petition Pursuant to 37 C.F.R. §1.183

Requesting Waiver of Requirement of 37 C.F.R. § 1.64

That an Original Inventor (Kelly B. Smith) Execute New Oath or Declaration

When New Inventors Are Added With Assignee's Consent

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

On June 8, 2006, applicant responded to the Decision on Petition mailed December 9, 2006, by filing a Request for Reconsideration, stating that, despite diligent efforts to locate the nonsigning inventor Kelly B. Smith, the nonsigning inventor still cannot at this time be reached or located. The Declaration of Daniel D. Ryan; Declaration of Judith M. Dunaway; and Declaration of Allen L. Leisten accompanied the Request for Reconsideration. In the Request, applicant indicated its intention to continue its diligent efforts to locate Ms. Smith and obtain her signature on the Declaration, which would be forwarded to the Patent Office as soon as it is received.

On June 20, 2006, applicant's attorney received by fax a Declaration signed by Kelly B Smith on June 20, 2006. The signed Declaration is attached as Attachment 1. The fax cover sheet from Ms. Smith, date stamped as received by an attorney of record on June 20, 2006 is attached as Exhibit 2. It is believed that correspondence mailed to Ms. Smith's last known address in Naperville, Illinois (attached to the Request) was ultimately forwarded to her at her new address in Stroudsburg, Pa.

Application Serial No. 10/765,498

Request for Reconsideration of Petition to Waive Requirements

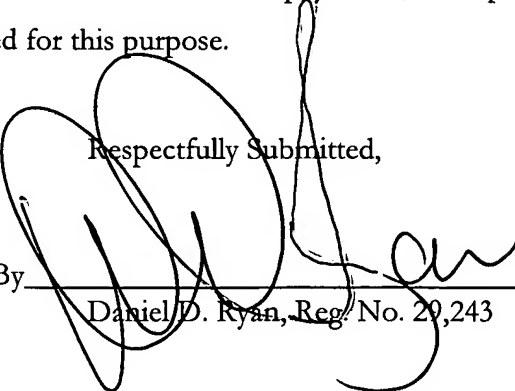
Page - 2 -

Under such circumstances, applicant believes that it has complied with the requirement of 37 C.F.R. § 1.64.

You are authorized to charge any excess fees, or to credit overpayments, to Deposit Account No. 06-2360. A copy of this Request is attached for this purpose.

Respectfully Submitted,

By


Daniel D. Ryan, Reg. No. 29,243

RYAN KROMHOLZ & MANION, S.C.

Post Office Box 26618

Milwaukee, Wisconsin 53226

(262) 783 - 1300

Customer No.: 26308



CERTIFICATE OF FIRST CLASS MAIL

_____ hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, with sufficient postage, on the date indicated below in an envelope addressed as follows: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450

By: _____

Judith M. Dunaway

Dated: 21 June 2006



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**COMBINED DECLARATION AND POWER OF ATTORNEY
(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,
CONTINUATION OR CIP)**

As a below named inventor, I hereby declare that:

TYPE OF DECLARATION

This declaration is of the following type: *(check one applicable item below)*

- ☒ original
☐ supplemental

Type of Application: *(check one applicable item below)*

- ☐ original
☐ design

NOTE: *If the declaration is for an International Application being filed as a divisional, continuation or continuation-in-part application do not check next item; check appropriate one of last three items.*

- ☐ national stage of PCT

NOTE: *If one of the following items apply then complete and also attach ADDED PAGES FOR DIVISIONAL, CONTINUATION OR CIP.*

- ☐ divisional
☒ continuation
☐ continuation-in-part (CIP)

INVENTORSHIP IDENTIFICATION

WARNING: *If the inventors are each not the inventors of all the claims an explanation of the facts, including the ownership of all the claims at the time the last claimed invention was made, should be submitted.*

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TITLE OF INVENTION

BLOOD PROCESSING SYSTEMS AND METHODS THAT EMPLOY AN
IN-LINE LEUKOFILTER MOUNTED IN A RESTRAINING FIXTURE

SPECIFICATION IDENTIFICATION

the specification of which: *(complete (a), (b) or (c))*

- (a) ☐ is attached hereto.
(b) ☒ was filed on 26 January 2004 as ☐ Serial No. 10/765,498
or ☐ Express Mail No., as Serial No. not yet known _____
and was amended on _____ (if applicable).

NOTE: *Amendments filed after the original papers are deposited with the PTO which contain new matter are not accorded a filing date by being referred to in the declaration. Accordingly, the amendments involved are those filed with the application papers or, in the case of a supplemental declaration, are those amendments claiming matter not encompassed in the original statement of invention or claims. See 37 CFR 1.67.*

- (c) ☐ was described and claimed in PCT International Application No. _____
filed on _____ and as amended under PCT Article 19 on _____
_____ (if any).

ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56

- ☐ In compliance with this duty there is attached an information disclosure statement in accordance with 37 CFR 1.98.

PRIORITY CLAIM (35 U.S.C. § 119)

- A. PRIOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO THIS APPLICATION AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. § 119(a)-(d)

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed.

- (d) ☒ no such applications have been filed.
(e) ☐ such applications have been filed as follows.

NOTE: Where item (c) is entered above and the International Application which designated the U.S. itself claimed priority check item (e), enter the details below and make the priority claim.

COUNTRY (OR INDICATE IF PCT)	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 37 USC 119
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>
			<input type="checkbox"/> YES NO <input type="checkbox"/>

- B. CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S) (35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application No.	Filing Date
_____	_____
_____	_____
_____	_____

CLAIM FOR BENEFIT OF EARLIER US and/or PCT APPLICATION(S) UNDER 35 U.S.C. § 120

- ☐ The claim for the benefit of any such applications are set forth in the attached ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR US PRIORITY CLAIM

ALL FOREIGN APPLICATION(S), IF ANY FILED MORE THAN 12 MONTHS
(6 MONTHS FOR DESIGN) PRIOR TO THIS U.S. APPLICATION

NOTE: If the application filed more than 12 months from the filing date of this application is a PCT filing forming the basis for this application entering the United States as (1) the national stage, or (2) a continuation, divisional, or continuation-in-part, then also complete ADDED PAGES TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR DIVISIONAL, CONTINUATION OR CIP APPLICATION for benefit of the prior U.S. or PCT application(s) under 35 U.S.C. S 120.

POWER OF ATTORNEY

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (List name and registration number)

Daniel D. Ryan (29,243)
John M. Manion (38,957)
Laura A. Dable (46,436)
Patricia A. Limbach (50,295)
Thomas J. Krumenacher (56,736)

Bradford R.L. Price (29,101)
Joseph A. Kromholz (34,204)
Daniel R. Johnson (46,204)
Patrick J. Fleis (55,185)
Melissa S. Hockersmith (56,960)

(check the following item, if applicable)

- [] Attached as part of this declaration and power of attorney is the authorization of the above-named attorney(s) to accept and follow instructions from my representative(s).

SEND CORRESPONDENCE TO

Bradford R.L. Price, Esquire
BAXTER HEALTHCARE CORPORATION
Senior Counsel
One Baxter Parkway (DF3-2E)
Deerfield, IL 60015

DIRECT TELEPHONE CALLS TO:
(Name and telephone number)

Bradford R.L. Price
(847) 948-4483

DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE(S)

NOTE: Carefully indicate the family (or last) name as it should appear on the filing receipt and all other documents.

Full name of sole or first inventor

MARK (GIVEN NAME) R (MIDDLE INITIAL OR NAME) VANDLIK (FAMILY (OR LAST NAME))
 Inventor's signature *Mark Vandlik*
 Date 7/25/05 Country of Citizenship US
 Residence (City, State/Country) GURNEE, ILLINOIS HAWTHORN WOODS, IL
 Post Office Address 7712 GENEVA DRIVE #7 OLD LAKE ROAD
GURNEE, ILLINOIS 60031 HAWTHORN WOODS, IL 60057 *7/25/05*

Full name of second joint inventor, if any

MICHAEL (GIVEN NAME) J (MIDDLE INITIAL OR NAME) KAST (FAMILY (OR LAST NAME))
 Inventor's signature *Michael J Kast*
 Date 7/25/05 Country of Citizenship US
 Residence (City, State/Country) EVANSTON, ILLINOIS
 Post Office Address 1152 ASHLAND AVENUE
EVANSTON, ILLINOIS 60202

Full name of third joint inventor, if any

KELLY (GIVEN NAME) B (MIDDLE INITIAL OR NAME) SMITH (FAMILY (OR LAST NAME))
 Inventor's signature *Kelly B. Smith*
 Date 6-20-06 Country of Citizenship US
 Residence (City, State/Country) GURNEE, ILLINOIS STROUDSBURG PA
 Post Office Address 506 CRYSTAL PLACE 106 WINDSOR WAY
GURNEE, ILLINOIS 60031 STROUDSBURG, PA 18360 *6-20-06*

Full name of fourth joint inventor, if any

TOM (GIVEN NAME) WESTBERG (FAMILY (OR LAST NAME))
 Inventor's signature *Tom Westberg*
 Date 7/25/2005 Country of Citizenship FI
 Residence (City, State/Country) GURNEE, ILLINOIS
 Post Office Address 17820 POND RIDGE CIRCLE
GURNEE, ILLINOIS 60031

Full name of fifth joint inventor, if any

ROHIT (GIVEN NAME) VISHNOI (FAMILY (OR LAST NAME))
 Inventor's signature *Rohit Vishnoi*
 Date 7/25/2005 Country of Citizenship US
 Residence (City, State/Country) DEERFIELD, ILLINOIS
 Post Office Address 235 WILSON AVENUE
DEERFIELD, ILLINOIS 60015

**ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY
FOR US PRIORITY CLAIM**

CLAIM FOR BENEFIT OF EARLIER U.S./PCT APPLICATION(S) UNDER 35 U.S.C. 120

I hereby claim the benefit under Title 35, United States Code, S 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, S 112, I acknowledge the duty to disclose information that is material to the examination of this application, namely, information where there is substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent, which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application.

**PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 USC 120:**

U.S. APPLICATIONS	U.S. FILING DATE	Status (CHECK ONE)		
		Patented	Pending	Abandoned
1. 09/976.833	10/13/2001	X		
2. 09/389.504	09/03/1999			X
3. _____	_____			

PCT APPLICATIONS DESIGNATING THE U.S.

PCT APPLICATION NO.	PCT FILING DATE	U.S. SERIAL NOS. ASSIGNED (if any)
4. _____	_____	_____
5. _____	_____	_____
6. _____	_____	_____

35 USC 119 PRIORITY CLAIM, IF ANY, FOR ABOVE LISTED U.S./PCT APPLICATIONS

**DETAILS OF FOREIGN APPLICATION FROM WHICH PRIORITY APPLICATION
CLAIMED UNDER 35 USC 119**

	Country	Application No.	Date of filing (day, month, year)	Date of issue (day, month, year)
1.	_____	_____	_____	_____
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

CHECK PROPER BOX(S) FOR ANY OF THE FOLLOWING ADD. PAGE(S) WHICH
FORM A PART OF THIS DECLARATION

- ☐ Signature for sixth and subsequent joint inventors.

- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.

- ☐ Signature for inventor who refuses to sign or cannot be reached by person authorized under 37 CFR 1.47.

- ☒ Added page to combined declaration and power of attorney for US Priority Claim

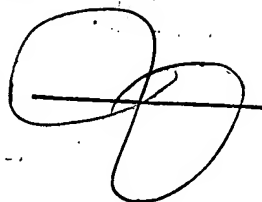
- ☐ Authorization of attorney(s) to accept and follow instructions from representative

(If no further pages form a part of this declaration then end this declaration with this page and check the following item:)

- ☐ This declaration ends with this page

REVIEWED BY

DOCKETING



TO: JUDY DUNAWAY

FROM: KELLY SMITH

PH: (570) 629-2455

JUNE 20, '06

1 PAGE TO FOLLOW

